

ADMINISTRATIVE RULES

DRINKING DRIVER REHABILITATION PROGRAMS

STATE OF VERMONT AGENCY OF HUMAN SERVICES

I. Authority:

Title 33 Section 707
Title 33 Section 706
Title 23 Section 1209a

II. Responsibility:

Project CRASH, a program of the Department of Health, Office of Alcohol and Drug Abuse Programs, is designated by the Secretary of the Agency of Human Services to operate the Alcohol Evaluation Program, the Driving Education Program (CRASH School) and to supervise and approve the alcohol therapy programs of those persons whose licenses have been suspended for violation of 23 VSA Sections 1201 or 1202. Project CRASH is responsible for the certification of completion of the educational programs and therapy, the content and curriculum of the educational programs, and the supervision of the schedules for the educational schools and the Evaluations.

III. Charges:

Evaluation charges and Educational Program charges will be used to cover the cost of operating the evaluation and educational programs. The charges will be set accordingly by the Office of Alcohol and Drug Abuse Programs. They will be reviewed annually and any adjustments will be stated in published procedures. No refund can be made for fees paid for services that have been provided. If the individual falls to complete the initial course for which they are registered, they may have the charge applied to a second registration. Failure to complete the second or subsequent courses for the same offense will result in forfeiture of the charge. If the individual falls to complete the initial Educational Program for which they are registered, and have not notified Project CRASH of their inability to attend the program prior to the beginning of that program, the individual will not be eligible to receive a refund. Any charges must be paid in full before any final paperwork is processed.

IV. Intake Evaluation:

Any individual whose license has been suspended for an alcohol-related offense must submit to an Intake Evaluation that will be conducted by Approved Alcohol Counselors who have been designated by the Office of Alcohol and Drug Abuse Programs. Designated counselors will be available in all areas of the state and will conduct Intake Evaluations on a regular basis consistent with the need. The Intake Evaluation procedures will have standardized elements, which include standardized tests, to assure consistency statewide.

V. Educational Program Attendance:

Any individual whose license has been suspended for a first or second DWI offense, first or second DWI Refusal, or first or second civil suspension must satisfactorily complete the Educational Program. Some individuals convicted of other alcohol or drug related offenses may also be required to complete the Educational Program. The Educational Program is open to anyone who wishes basic facts about alcohol and other drugs and we strongly urge spouses, significant others, other relatives, or friends of mandated participants to attend. Project CRASH will determine costs for these non-mandated participants. Educational Programs are operated on a regular schedule in various locations throughout the State. Sites and schedules are adjusted to meet student load and to provide accessibility with minimum driving from any location.

VI. Educational Program Completion Requirements:

A. Attendance at and satisfactory participation in all consecutive sessions of an Educational Program. An unexcused absence at any session will require dismissal, and the individual will be required to start over in a new Educational Program. In extremely rare cases, absences for emergencies may be permitted at the discretion of the Educational Program manager.

B. Be in class on time. Tardiness may result in dismissal from the program and starting over in a new program.

C. Attend all sessions alcohol and drug free. Persons attending class under the influence of alcohol or drugs will be dismissed from the course and will need to start over again. Factors to be considered in determining whether a person is attending a class under the influence of alcohol or drugs include, but are not limited to, odor of alcohol on breath, bloodshot and/or watery eyes, swaying and rocking back and forth, and slurred speech.

D. Complete all assignments, written and otherwise. (NOTE: Help will be provided for those with reading, language, or hearing problems.)

VII. Educational Program Completion:

After completing the necessary requirements for the educational program, the individual will attend an exit inter-view with the counselor with -whom they attended the Intake Evaluation. For first offenders, the counselor will determine if the individual is in need of treatment. An individual is found in need of treatment when, based on objective tests, individual interview, and consultation with the educational leader, that education alone regarding drinking and driving will not be sufficient to effect a change in the individual's drinking-driving behavior. For second offenders, successful completion of a treatment program is required.

If an individual has successfully completed a treatment program before the completion of the Educational Program, information about the treatment will be obtained and a determination of the necessity of further treatment will be made. Section IX Certification of Therapy Completion, would apply.

If the counselor at the exit interview determines that no treatment is necessary at this time, a Completion Report will be issued in duplicate with the original going to the participant at the exit interview and the duplicate to Project CRASH, who in turn will forward it to the Department of Motor Vehicles (DMV). The Completion Report Form will be signed by the evaluator and the educational manager. DMV will accept either the original or the duplicate (not a photocopy) as certification of the satisfactory completion of the Alcohol and Driving Program.

VIII: Alcohol and Drug Therapy Completion Requirements:

All individuals who require alcohol or drug therapy as a condition of driver license reinstatement must receive treatment from state approved alcohol/drug treatment provider, psychologist with an APA Certificate of Proficiency in Treatment of Alcohol and other Psychoactive Substance Use Disorders, or other health care professionals approved by the Drinking Driver Rehabilitation Program director or his/her designee(s). Evaluators will provide all Vermont residents with state approved alcohol/drug treatment providers in their area. Out of state programs may be used if comparable to Vermont's and if approved by the Drinking Driver Rehabilitation Program Director or his/her designee. Such approval does not imply program approval under VSA Title 8, Section 4099, nor does it bind any funding agencies to cover the costs of the treatment. The following conditions must be met for all therapy:

A. A completed assessment and a treatment record opened.

B. An individualized treatment plan will be designed and agreed to by the treatment provider and the individual.

C. For first offenders, (suspension less than 180 months), a minimum of 6 hours of professional treatment, in no less than 4 sessions over a minimum period of 4 weeks is required. For multiple offenders a minimum of 20 professional treatment sessions over a minimum period of 6 months is required. Inpatient treatment is acceptable with an aftercare program that has included regular contact with an aftercare counselor. The offender will be required to have had contact with a professional counselor within 60 days of the submission of completion paperwork. In addition to the professional counseling sessions, individuals may be asked to participate in educational programs such as the Educational Program, self-help groups such as AA, job counseling or training, family counseling, detoxification, and other activities as adjuncts to treatment.

D. Upon completion, or substantial progress in completion of the therapy, and after satisfactory arrangements have been made for payment for the therapy, a letter will be sent to the local ADAP designated counselor for approval. Substantial progress in the completion of the treatment program is defined to be that point at which the individual is assessed by his/her counselor to have met some of the agreed upon treatment goals, sufficient to assure that risk of further violation of the DWI statutes is minimal, and has agreed in writing to continue in treatment until all treatment goals have been reached. Minimal requirements must be met before progress can be deemed substantial.

IX. Certification of Therapy Completion:

Upon completion of a treatment program, the counselor will notify the Intake Evaluator of the treatment information by filling out a form designed by Project CRASH. The form will be mailed to the Intake Evaluator, and the individual will be required to contact the Evaluator to set up an exit interview.

The Intake Evaluator, in conjunction with the individual's therapist, will be initially responsible for determining when the person has completed, or made substantial progress in completing his/her therapy program and will so notify the Driver Rehabilitation Program Director (Project CRASH Director) by letter. The Project CRASH Director, or his/her designee(s), will notify the Department of Motor Vehicles, in writing, that the therapy requirements have been satisfied.

X. Appeals:

If there are disagreements between a client and the therapist and/or the designated counselor and/or the Project CRASH Director regarding the type of treatment required, the length of treatment required or whether or not the therapy program has been satisfactorily completed, and if no reasonable agreement can be reached, then the individual may appeal to the Chief of Treatment Services of the Office of Alcohol and Drug Abuse Programs for a decision. The Chief of Treatment Services, or his/her designee, will consider either written or oral presentations by both sides before making a judgment in the matter. In cases where the Chief of Treatment, or his/her designee, determines there is a clear conflict of interest demonstrated, the appeal should be submitted to the Director of the Office of Alcohol and Drug Abuse Programs. This appeal process does not preclude nor replace the judicial review that is available as per 23 VSA section 1209a(d).

XI. Abstinence:

An individual wishing to be relicensed under the provisions of 23 VSA 1209a(b) may apply to the Project CRASH Director and to the Commissioner of Motor Vehicles. The individual will need to contact the Intake Evaluator to notify the Evaluator of their intentions, and to obtain the necessary information and forms. All necessary information and forms should be dated within 60 days of the exit interview with the CRASH Evaluator. During the exit interview, once all the necessary paperwork has been received, if the evaluator finds the documentation to be sufficient, proper, and satisfactory, then all documentation will be forwarded to the Project CRASH Director. Upon review and approval of the documentation, the Project CRASH

Director, or his/her designee, will forward the documentation to the Department of Motor Vehicles for review and action by the Commissioner. The documented evidence to be presented to the evaluator will include as a minimum:

A. A sworn statement in writing by the individual of complete abstinence from the use of all alcoholic beverages or drugs or both during the preceding prescribed period, the intent to remain abstinent, and an appreciation that he or she cannot drink any amount of alcohol, or take any drugs and drive safely.

B. Statements acknowledged before a notary public from at least four credible individuals supporting the sworn statement of abstinence. These individuals could include a spouse or other adult family member, an active

AA member, the individual's physician, an employer or business associate, a member of the clergy, a friend who is reasonably familiar with the life style of the individual, or the chief law enforcement officer in the area where the individual resides. Only two of these statements may be completed by family members. These statements should include reference to:

1. Length of acquaintance with the applicant.
2. Type and frequency of contact (should be at least weekly) with the applicant.
3. The person's belief that the applicant has been abstinent from alcohol and/or drugs for the prescribed period.
4. The conditions, behaviors, changes, etc. which give rise to that belief.

C. A letter from an approved substance abuse counselor stating that the applicant has successfully completed a minimal therapy program as per section VIII of these rules.

XII. Substitutions:

Upon approval of the Project CRASH Director, or his/her designee(s), comparable out-of-state programs may be substituted for the Vermont program(s).